

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1497 of 2018

Arising Out of PS. Case No.-258 Year-2017 Thana- PIRO District- Bhojpur

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1. Om Prakash Choudhary, S/o- Meghnath Choudhary,
 2. Nandu Sharma, S/o- Satyanarayan Sharma.
 3. Santosh Kesri, S/o- Surendra Keshri,
 4. Manoj Suman, S/o- Nandlal Gupta, All Resident of Village- Piro, P.S.- Piro, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra kumar

For the Opposite Party/s : Mr. SRI DAMODAR PRASAD TIWARY

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-01-2018 Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 120B, 295A, 153A, 188, 353, 307, 323, 341, 504, 506, 379, 436 and 427 of the IPC and Section 27 of the Arms Act.

The prosecution case, as per self statement of Jai Prakash, being the Police Inspector-cum-SHO, Piro Police Station is to the effect that one Harijee Tiwary associated with Bharat Vikash Manch, was spreading anti social message by posting the same in the Whatsapp group and when he was forbade from doing so, the persons associated with his organization including the petitioners assembled near the Pitaldevi temple on the eve of



Muhharam procession on 01.10.2017, when the people of Muslim community armed with various arms attacked the Pitandevi temple, as a result stones were pelted from both sides. The people of Muslim community also damaged the building of temple, robbed the shops and resorted to fire. The photographers deputed on behalf of the government took certain photographs, on the basis of which, FIR was lodged against 62 named persons including the petitioners and 500-600 unknown persons.

It is submitted by learned counsel for the petitioners that the accusation is omnibus and general. The petitioners have been named in the FIR only on the basis of suspicion, since there was some dispute between two communities and in the said background, the occurrence took place. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the petitioners are named in the FIR.

Considering the fact that the omnibus and general accusation has been levelled against the mob, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.



10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-I, Ara in connection with Piro P.S. Case No. 258 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

The learned court below will be at liberty to cancel the bail bonds of the petitioners, if they substantially get involved in similar nature of offence, or if they failed to co-operate during investigation.

(Dinesh Kumar Singh, J)

Amrendra/-

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